

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Confirmation No.: **6730**

**DeFreese et al.**

Group Art Unit: **2435**

Serial No.: **09/475,696**

Examiner: **Pich, Ponnoreay**

Filed: **December 30, 1999**

Docket No.: **A-6307**

For: **MECHANISM AND APPARATUS FOR ENCAPSULATION OF ENTITLEMENT  
AUTHORIZATION IN CONDITIONAL ACCESS SYSTEM**

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed October 31, 2008, responding to the Advisory Action mailed on October 21, 2008 and the final Office Action mailed on July 7, 2008.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 19-0761.

**I. Real Party in Interest**

The real party in interest of the instant application is Scientific-Atlanta, Inc., having its principal place of business at 5030 Sugarloaf Parkway, Lawrenceville, GA 30044. Scientific-Atlanta, Inc., the assignee of record, is wholly owned by Cisco Systems, Inc.

**II. Related Appeals and Interferences**

There are no related appeals or interferences.

**III. Status of Claims**

Claims 85-105 stand finally rejected. No claims have been allowed. Claims 1-84 and 106 have been canceled. The rejections of claims 85-105 are appealed.

**IV. Status of Amendments**

Claim 106 has been cancelled subsequent to the final Office Action mailed on July 7, 2008. The Advisory Action mailed on October 21, 2008 entered the amendment for the purposes of appeal. No other amendments have been made subsequent to the final Office Action mailed on July 7, 2008. The claims in the attached Claims Appendix (see below) reflect the present state of Appellants' claims.

## **V. Summary of Claimed Subject Matter**

The claimed inventions are summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments according to independent claim 85 describe a method. The method comprises receiving an entitlement unit table (EUT), the EUT comprises an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user, the one or more services for each of the one or more EUNs including the first service. See e.g. Appellants' specification, page 7, lines 12-17. The method further comprises, responsive to user selection of the first service from an electronic program guide (EPG), determining whether at least one of the one or more EUNs matches an authorized EUN. See e.g. Appellants' specification, page 8, lines 21-29. The method further comprises, responsive to determining that there is a match between the one or more EUNs and the authorized EUN, tuning to the selected first service. See e.g. Appellants' specification, page 9, line 4-5.

Embodiments according to independent claim 95 describe an apparatus. The apparatus comprises a tuner and a processor configured to control the tuner. See e.g. Appellants' specification, page 3, lines 15-18. The processor is further configured to receive an entitlement unit table (EUT). See e.g. Appellants' specification, page 4, lines 1-5. The EUT comprises an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user, the one or more services for each of the one or more EUNs including the first service. See e.g. Appellants' specification, page 7, lines 12-17. The processor is further configured to, responsive to user selection of the first service, determine whether at least one of the one or more EUNs matches an authorized EUN. See e.g. Appellants' specification, page 8, lines 21-29. The processor is

further configured to, responsive to determining that there is a match between the one or more EUNs and the authorized EUN, configure the tuner to tune to the selected first service. See e.g. Appellants' specification, page 9, line 4-5.

**VI. Grounds of Rejection to be Reviewed on Appeal**

The following grounds of rejections are to be reviewed on appeal:

- A. Claim 95 has been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Campbell et al.* (U.S. Pat. No. 4,862,268, hereinafter "*Campbell*").
- B. Claims 85, 89 and 105 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Campbell* in view of *Urakoshi et al.* (U.S. Pat. No. 6,067,564, hereinafter "*Urakoshi*").
- C. Claims 86-87 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Campbell* in view of *Urakoshi* in further view of applicant's admitted prior art (hereinafter "AAPA").
- D. Claims 88 and 90-94 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Campbell* in view of *Urakoshi* in further view of *Wasilewski* (U.S. Pat. No. 5,420,866, hereinafter "*Wasilewski*").
- E. Claims 96-104 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Campbell* in view of AAPA.
- F. Claims 98-104 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Campbell* in view of *Wasilewski*.

## VII. Arguments

For the reasons that follow, Appellants request that the rejections of claims 85-105 be overturned.

### A. Rejection of Claim 95 under 35 U.S.C. §102(b): *Campbell*

#### 1. Appellants' Claim 95

Appellants' claim 95 provides as follows (emphasis added):

An apparatus, comprising:

a tuner; and

a processor configured to control the tuner, the processor further configured to:

***receive an entitlement unit table (EUT), the EUT comprising an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user, the one or more services for each of the one or more EUNs including the first service;***

***responsive to user selection of the first service, determine whether at least one of the one or more EUNs matches an authorized EUN; and***

***responsive to determining that there is a match between the one or more EUNs and the authorized EUN, configure the tuner to tune to the selected first service.***

Appellants respectfully submit that independent claim 95 is allowable for at least the reason that *Campbell* does not disclose, teach, or suggest at least the features recited and emphasized above in claim 95.

The final Office Action alleges on pages 2-3 that "Campbell discloses... Receiving an entitlement unit table (EUT), the EUT comprising an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user, the one or more services for each of the one or more EUNs including the first service (Fig 11 and col 12, lines 60-64). The *data transmitted seen in Figure 11 is considered an EUT. The tier code 202 is at least one field that can be considered an EUN and as discussed in column 13, lines 9-11 the tier code defines the level of access*

required for the program in question. Channel number 216 is at least one field that can be considered an identifier of a first service" (emphasis in original). The Advisory Action further alleges on page 2 that "a table is 'an orderly arrangement of data'. As described in column 12, lines 60-68 of *Campbell*, the data seen in Figure 11 are generated by a text formatter. Having been formatted, the data in Figure 11 is 'an orderly arrangement of data' and can be considered a table and more specifically an EUT."

Appellants respectfully disagree. Figure 11 of *Campbell* is described as follows (col. 12, line 60 – col. 13, line 11 and col. 13, lines 27-30 of *Campbell*, emphasis added):

Reference is now made to FIG. 11 wherein the data formats are shown for the data transmitted on the vertical interval of the television signals between data control system 12 and addressable converter 40. As previously mentioned, the transmitted data is of two types, namely control data generated by PCS 50 and text data generated by text formatters 54 (see FIG. 2). The control data is further divided into subscriber addressing data and channel control data. The format for both the control data and the text data is shown in the form of data words in FIG. 11.

A channel control word 200 is generated by PCS 50 to define the codes required for access to each television program being transmitted. The codes identify the program to the converter of each user station so that a determination may be made as to whether the converter 40 will be enabled to process the given television signal to the television set of the user station. Channel control word 200 includes a tier code 202 defining the level of access required for the program in question. ...

The subscriber addressing data words includes the four words shown in FIG. 11, namely a subscriber enable word 210, an event enable word 220, an eligibility word 230 and an emergency alert word 240.

Appellants respectfully submit that data words are not a table. There is no teaching or suggestion in this section or elsewhere in *Campbell* that the data words shown in Figure 11 are received as a table, much less "an entitlement unit table" as alleged. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d

1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Appellants respectfully submit that, other than the conclusory statement that “the data in Figure 11 is ‘an orderly arrangement of data’ and can be considered a table and more specifically an EUT”, the Office Action provides no support in the cited reference for the conclusion.

Even assuming, *arguendo*, that data words include “an orderly arrangement of data”, *Campbell* does not teach or suggest that data words are “an entitlement unit table (EUT), the EUT comprising an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user” as recited in claim 95. While *Campbell* teaches that a channel control word 200 includes a tier code 202 and that subscriber enable word 210 includes a channel enable code 216 (see FIG. 11), *Campbell* does not disclose or suggest that the tier code 202 and the channel enable code 216 are included in the same word. Nor does *Campbell* teach or suggest that data words are combined to include both the tier code 202 and the channel enable code 216. Appellants also note that the final Office Action makes reference on page 3 to other fields of data in *Campbell* for alleged disclosure of the above-emphasized claim features, but Appellants respectfully submit that *Campbell* does not disclose or suggest such features when reviewing such other fields. Thus, *Campbell* does not disclose or suggest “an entitlement unit table”, much less “receiving an entitlement unit table” as recited in claim 95.

Further, claim 95 requires “responsive to determining that there is a match between the one or more EUNs and the authorized EUN, configure the tuner to tune to the selected first service.” The final Office Action (page 3) refers to col. 12, lines 16-15 and col. 15, lines 7-66, as well as Figure 17 of *Campbell* to support the rejection. The Advisory Action further alleges on page 3 that “tuning is ‘to adjust from proper functioning’”. The examiner notes that while it is true that Figure 12 shows a tuner being switched to a selected channel and then one or more comparisons being performed, the examiner respectfully submits that this is not the same thing as the tuner being ‘tuned’ or ‘adjusted for proper functioning’. Proper functioning of the tuner



does not actually take place until the user can actually view a specific program on that channel.

This does not occur until step 332 after a channel code has been compared, a tier code has been compared, a program event code has been compared, an eligibility code has been compared and all of those comparisons are positive” (emphasis added). Appellants respectfully disagree.

Specifically, *Campbell* teaches:

Referring now to FIG. 12, a flow diagram is shown describing the operation of a converter 40 in selecting a given channel and determining access to a given program. ... The process begins at step 310 with the user entering a new channel number on the converter keyboard. ... Tuner 106 retunes to the requested channel and vertical interval data extractor 114 separates out the data transmitted on the vertical interval of the selected television signal.

Converter control logic 104 then makes several comparisons between the subscriber addressing data which describes the converter authorization and the channel control word which describes the required authorization for the television program currently being transmitted on the selected channel.

Looking at the flow diagram of FIG. 17 for full-channel teletext, a few additional steps must be added to the flow diagram of FIG. 12 showing the operation of the first preferred embodiment. After the data is extracted from the vertical interval at block 318, the control identifier 201 of channel control word 200 (see FIG. 11) is checked to determine whether the signals being transmitted are in video or text format. If the signals are in video format, the procedure moves to decision block 320 as has been previously discussed.

(Col. 15, lines 3-25 and col. 22, lines 3-12; emphasis added). Thus, *Campbell* teaches that the tuner “tunes” to the requested channel and then performs a comparison (e.g., 320, 322, etc.). In other words, the tuning cannot be “responsive to determining that there is a match”. The other sections referred to by the final Office Action (e.g., col. 12 and col. 15) and elsewhere in *Campbell* appear to describe an operation where tuning occurs first, and then a determination of whether to process (e.g., descramble) the received content based on comparisons to codes, etc. Accordingly, *Campbell* does not disclose “responsive to determining that there is a match

between the one or more EUNs and the authorized EUN, configure the tuner to tune to the selected first service” as recited in claim 95.

For at least the reasons described above, *Campbell* fails to disclose, teach or suggest all of the features recited in claim 95. Therefore, Appellants respectfully request that the rejection of claim 95 be overturned.

**B. Rejection of Claims 85, 89 and 105 under 35 U.S.C. §103(a): *Campbell* and *Urakoshi***

**1. Appellants’ Claim 85**

Appellants’ claim 85 provides as follows (emphasis added):

A method, comprising:

***receiving an entitlement unit table (EUT), the EUT comprising an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user, the one or more services for each of the one or more EUNs including the first service;***

***responsive to user selection of the first service from an electronic program guide (EPG), determining whether at least one of the one or more EUNs matches an authorized EUN; and***

***responsive to determining that there is a match between the one or more EUNs and the authorized EUN, tuning to the selected first service.***

Appellants respectfully request that the rejection of independent claim 85 be overturned for at least the reason that *Campbell* in view of *Urakoshi* fails to disclose, teach, or suggest at least the features recited and emphasized above in claim 85.

The final Office Action alleges on page 4 that “Campbell discloses... Receiving an entitlement unit table (EUT), the EUT comprising an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user, the one or more services for each of the one or more EUNs including the first service (Fig 11 and col 12, lines 60-64). The *data transmitted seen in Figure 11 is considered an EUT. The tier code 202 is at least one field that can be considered an EUN and as discussed in column 13, lines 9-11 the tier code defines the level of access*

required for the program in question. Channel number 216 is at least one field that can be considered an identifier of a first service” (emphasis in original). The Advisory Action further alleges on page 2 that “a table is ‘an orderly arrangement of data’. As described in column 12, lines 60-68 of *Campbell*, the data seen in Figure 11 are generated by a text formatter. Having been formatted, the data in Figure 11 is ‘an orderly arrangement of data’ and can be considered a table and more specifically an EUT.”

Appellants respectfully disagree. Figure 11 of *Campbell* is described as follows (col. 12, line 60 – col. 13, line 11 and col. 13, lines 27-30 of *Campbell*, emphasis added):

Reference is now made to FIG. 11 wherein the data formats are shown for the data transmitted on the vertical interval of the television signals between data control system 12 and addressable converter 40. As previously mentioned, the transmitted data is of two types, namely control data generated by PCS 50 and text data generated by text formatters 54 (see FIG. 2). The control data is further divided into subscriber addressing data and channel control data. The format for both the control data and the text data is shown in the form of data words in FIG. 11.

A channel control word 200 is generated by PCS 50 to define the codes required for access to each television program being transmitted. The codes identify the program to the converter of each user station so that a determination may be made as to whether the converter 40 will be enabled to process the given television signal to the television set of the user station. Channel control word 200 includes a tier code 202 defining the level of access required for the program in question. ...

The subscriber addressing data words includes the four words shown in FIG. 11, namely a subscriber enable word 210, an event enable word 220, an eligibility word 230 and an emergency alert word 240.

Appellants respectfully submit that data words are not a table. There is no teaching or suggestion in this section or elsewhere in *Campbell* that the data words shown in Figure 11 are received as a table, much less “an entitlement unit table” as alleged. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). “[R]ejections on obviousness cannot be

sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396 quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). Appellants respectfully submit that, other than the conclusory statement that “the data in Figure 11 is ‘an orderly arrangement of data’ and can be considered a table and more specifically an EUT”, the Office Action provides no support in the cited references for the conclusion.

Even assuming, *arguendo*, that data words include “an orderly arrangement of data”, *Campbell* does not teach or suggest that data words are “an entitlement unit table (EUT), the EUT comprising an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user” as recited in claim 85. While *Campbell* teaches that a channel control word 200 includes a tier code 202 and that subscriber enable word 210 includes a channel enable code 216 (see FIG. 11), *Campbell* does not disclose or suggest that the tier code 202 and the channel enable code 216 are included in the same word. Nor does *Campbell* teach or suggest that data words are combined to include both the tier code 202 and the channel enable code 216. Appellants also note that the final Office Action makes reference on page 4 to other fields of data in *Campbell* for alleged disclosure of the above-emphasized claim features, but Appellants respectfully submit that *Campbell* does not disclose or suggest such features when reviewing such other fields. Thus, *Campbell* does not disclose or suggest “an entitlement unit table”, much less “receiving an entitlement unit table” as recited in claim 85.

Further, claim 85 requires “responsive to determining that there is a match between the one or more EUNs and the authorized EUN, tuning to the selected first service.” The final Office Action (page 4) refers to col. 12, lines 16-15 and col. 15, lines 7-66, as well as Figures 12 and 17 of *Campbell* to support the rejection. The Advisory Action further alleges on page 3 that “tuning is ‘to adjust from proper functioning’”. The examiner notes that while it is true that Figure

12 shows a tuner being switched to a selected channel and then one or more comparisons being performed, the examiner respectfully submits that this is not the same thing as the tuner being 'tuned' or 'adjusted for proper functioning'. Proper functioning of the tuner does not actually take place until the user can actually view a specific program on that channel. This does not occur until step 332 after a channel code has been compared, a tier code has been compared, a program event code has been compared, an eligibility code has been compared and all of those comparisons are positive" (emphasis added). Appellants respectfully disagree.

Specifically, *Campbell* teaches:

Referring now to FIG. 12, a flow diagram is shown describing the operation of a converter 40 in selecting a given channel and determining access to a given program. ... The process begins at step 310 with the user entering a new channel number on the converter keyboard. ... Tuner 106 retunes to the requested channel and vertical interval data extractor 114 separates out the data transmitted on the vertical interval of the selected television signal.

Converter control logic 104 then makes several comparisons between the subscriber addressing data which describes the converter authorization and the channel control word which describes the required authorization for the television program currently being transmitted on the selected channel.

Looking at the flow diagram of FIG. 17 for full-channel teletext, a few additional steps must be added to the flow diagram of FIG. 12 showing the operation of the first preferred embodiment. After the data is extracted from the vertical interval at block 318, the control identifier 201 of channel control word 200 (see FIG. 11) is checked to determine whether the signals being transmitted are in video or text format. If the signals are in video format, the procedure moves to decision block 320 as has been previously discussed.

(Col. 15, lines 3-25 and col. 22, lines 3-12; emphasis added). Thus, *Campbell* teaches that the tuner "tunes" to the requested channel and then performs a comparison (e.g., 320, 322, etc.). In other words, the tuning cannot be "responsive to determining that there is a match". The other sections referred to by the final Office Action (e.g., col. 12 and col. 15) and elsewhere in *Campbell* appear to describe an operation where tuning occurs first, and then a determination of whether to process (e.g., descramble) the received content based on comparisons to codes,

etc. Accordingly, *Campbell* does not disclose “responsive to determining that there is a match between the one or more EUNs and the authorized EUN, tuning to the selected first service” as recited in claim 85.

The addition of *Urakoshi* does not overcome these deficiencies. While *Urakoshi* teaches “cursor movements and selection of programs are executed on the program guide screen” (col. 7, lines 12-14), *Urakoshi* does not disclose or suggest either “receiving an entitlement unit table (EUT), the EUT comprising an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user” or “responsive to determining that there is a match between the one or more EUNs and the authorized EUN, tuning to the selected first service” as recited in claim 85.

For at least the reasons described above, *Campbell* in view of *Urakoshi* fails to disclose, teach or suggest all of the features recited in claim 85. Therefore, Appellants respectfully request that the rejection of claim 85 be overturned.

**2. Appellants’ Claim 89**

Because independent claim 85 is allowable over *Campbell* in view of *Urakoshi*, Appellants respectfully submit that claim 89 is allowable for at least the reason that it depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir.1988). Therefore, Appellants respectfully request that the rejection of claim 89 be overturned.

**3. Appellants’ Claim 105**

As set forth above, Appellants respectfully submit that *Campbell* fails to disclose, teach, or suggest at least the features emphasized above for claim 95. The addition of *Urakoshi* does not remedy the deficiencies of *Campbell*. Thus, Appellants respectfully submit that *Campbell* in view of *Urakoshi* fails to disclose, teach or suggest all of the features recited in claim 95. Because independent claim 95 is allowable over *Campbell* in view of *Urakoshi*, Appellants

respectfully submit that claim 105 is allowable for at least the reason that it depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir.1988). Therefore, Appellants respectfully request that the rejection of claim 105 be overturned.

**C. Rejection of Claims 86-87 under 35 U.S.C. §103(a): *Campbell*, *Urakoshi*, and AAPA**

As set forth above, Appellants respectfully submit that *Campbell* in view of *Urakoshi* fails to disclose, teach, or suggest at least the features emphasized above for claim 85. The addition of AAPA does not remedy the deficiencies of *Campbell* in view of *Urakoshi*. Thus, Appellants respectfully submit that *Campbell* in view of *Urakoshi* in further view of AAPA fails to disclose, teach or suggest all of the features recited in claim 85. Because independent claim 85 is allowable over *Campbell* in view of *Urakoshi* in further view of AAPA, Appellants respectfully submit that claims 86-87 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir.1988). Therefore, Appellants respectfully request that the rejection of claims 86-87 be overturned.

**D. Rejection of Claims 88 and 90-94 under 35 U.S.C. §103(a): *Campbell*, *Urakoshi*, and *Wasilewski***

As set forth above, Appellants respectfully submit that *Campbell* in view of *Urakoshi* fails to disclose, teach, or suggest at least the features emphasized above for claim 85. The addition of *Wasilewski* does not remedy the deficiencies of *Campbell* in view of *Urakoshi*. While *Wasilewski* teaches “providing conditional access information to decoders in a multiplexed communications system” (col. 1, lines 10-11), *Wasilewski* does not disclose or suggest either “receiving an entitlement unit table (EUT), the EUT comprising an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user” or “responsive to determining that there is a match between the one or more EUNs and the authorized EUN, tuning to the selected first service” as recited in claim 85. Thus, Appellants respectfully submit that *Campbell* in view of

*Urakoshi* in further view of *Wasilewski* fails to disclose, teach or suggest all of the features recited in claim 85. Because independent claim 85 is allowable over *Campbell* in view of *Urakoshi* in further view of *Wasilewski*, Appellants respectfully submit that claims 88 and 90-94 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir.1988). Therefore, Appellants respectfully request that the rejection of claims 88 and 90-94 be overturned.

**E. Rejection of Claims 96-104 under 35 U.S.C. §103(a): *Campbell* and AAPA**

As set forth above, Appellants respectfully submit that *Campbell* fails to disclose, teach, or suggest at least the features emphasized above for claim 95. The addition of AAPA does not remedy the deficiencies of *Campbell*. Thus, Appellants respectfully submit that *Campbell* in view of AAPA fails to disclose, teach or suggest all of the features recited in claim 95. Because independent claim 95 is allowable over *Campbell* in view of AAPA, Appellants respectfully submit that claims 96-104 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir.1988). Therefore, Appellants respectfully request that the rejection of claim 96-104 be overturned.

**F. Rejection of Claims 98-104 under 35 U.S.C. §103(a): *Campbell* and *Wasilewski***

As set forth above, Appellants respectfully submit that *Campbell* fails to disclose, teach, or suggest at least the features emphasized above for claim 95. The addition of *Wasilewski* does not remedy the deficiencies of *Campbell*. Thus, Appellants respectfully submit that *Campbell* in view of *Wasilewski* fails to disclose, teach or suggest all of the features recited in claim 95. Because independent claim 95 is allowable over *Campbell* in view of *Wasilewski*, Appellants respectfully submit that claims 98-104 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir.1988). Therefore, Appellants respectfully request that the rejection of claim 98-104 be overturned.




### **VIII. Conclusion**

In summary, it is Appellants' position that Appellants' claims are patentable over the applied cited art references and that the rejection of these claims should be overturned. Appellants therefore respectfully request that the Board of Appeals overturn the Examiner's rejection and allow Appellants' pending claims.

In addition to the claims shown in the claims Appendix IX, Appendix X attached hereto indicates that there is no evidence being attached and relied upon by this brief. Appendix XI attached hereto indicates that there are no related proceedings.

Respectfully submitted,

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**IX. Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)**

The following are the claims that are involved in this Appeal.

85. A method, comprising:
- receiving an entitlement unit table (EUT), the EUT comprising an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user, the one or more services for each of the one or more EUNs including the first service;
  - responsive to user selection of the first service from an electronic program guide (EPG), determining whether at least one of the one or more EUNs matches an authorized EUN; and
  - responsive to determining that there is a match between the one or more EUNs and the authorized EUN, tuning to the selected first service.
86. The method of claim 85, wherein receiving comprises receiving the EUT in an encrypted format.
87. The method of claim 85, wherein receiving comprises receiving the EUT in a nonencrypted format.
88. The method of claim 85, wherein receiving comprises receiving the EUT from an MPEG-compliant transport stream.
89. The method of claim 85, further comprising, responsive to the tuning, determining whether the selected first service is an authorized service.
90. The method of claim 89, wherein determining whether the selected first service is an authorized service comprises:
- receiving an encrypted entitlement control message (ECM); and
  - decrypting the encrypted ECM to reveal encrypted control words and the one or more EUNs, the encrypted control words corresponding to elementary streams of the selected first service and the one or more EUNs.

91. The method of claim 90, wherein determining whether the selected first service is an authorized service further comprises:
  - determining whether at least one of the one or more EUNs matches an authorized EUN.
92. The method of claim 91, further comprising decrypting the encrypted control words responsive to determining that there is a match between the one or more EUNs and the authorized EUN.
93. The method of claim 92, further comprising decrypting the elementary streams of the selected first service based on the decrypted control words.
94. The method of claim 90, wherein receiving the encrypted ECM comprises receiving the encrypted ECM from an MPEG-compliant transport stream.
95. An apparatus, comprising:
  - a tuner; and
  - a processor configured to control the tuner, the processor further configured to:
    - receive an entitlement unit table (EUT), the EUT comprising an identifier of a first service and one or more entitlement unit numbers (EUNs) that each uniquely identify a service package that comprises one or more services available to the user, the one or more services for each of the one or more EUNs including the first service;
    - responsive to user selection of the first service, determine whether at least one of the one or more EUNs matches an authorized EUN; and
    - responsive to determining that there is a match between the one or more EUNs and the authorized EUN, configure the tuner to tune to the selected first service.
96. The apparatus of claim 95, wherein the processor is further configured to receive the EUT in an encrypted format.
97. The apparatus of claim 95, wherein the processor is further configured to receive the EUT in a nonencrypted format.
98. The apparatus of claim 95, wherein the processor is further configured to receive the EUT from an MPEG-compliant transport stream.

99. The apparatus of claim 95, wherein the processor is further configured to determine whether the selected first service is an authorized service.
100. The apparatus of claim 99, wherein the processor is further configured to:
  - receive an encrypted entitlement control message (ECM); and
  - decrypt the encrypted ECM to reveal encrypted control words and the one or more EUNs, the encrypted control words corresponding to elementary streams of the selected first service and the one or more EUNs.
101. The apparatus of claim 100, wherein the processor is further configured to determine whether at least one of the one or more EUNs matches an authorized EUN.
102. The apparatus of claim 101, wherein the processor is further configured to decrypt the encrypted control words responsive to determining that there is a match between the one or more EUNs and the authorized EUN.
103. The apparatus of claim 102, wherein the processor is further configured to decrypt the elementary streams of the selected first service based on the decrypted control words.
104. The apparatus of claim 100, wherein the processor is further configured to receive the encrypted ECM from an MPEG-compliant transport stream.
105. The apparatus of claim 95, wherein the processor is further configured to provide an electronic program guide (EPG) that enables the user to select the first service.

**X. Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)**

None.

**XI. Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)**

None.